

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 20-CV-954**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**PLAINTIFF'S NOTICE ON
DEFENDANTS' REQUEST FOR
EXPEDITED BRIEFING
SCHEDULE***

Plaintiff objects to Defendants' ironic and absurd request for expedited briefing.

Defendants' request for expedited briefing in connection with their Motion to Stay Discovery is merely their latest thinly veiled effort to thwart the administration of justice. Throughout this case, Defendants have done everything in their power to avoid merits adjudication of Plaintiff's claims. Now, ironically, after foot-dragging for two and a half years, for the first time,

* This Notice does not constitute a responsive brief to Defendants' Motion to Stay Discovery, which according to Local Rules 7.3(f), 26.2(d), and 37.1(c), and in accordance with the ECF notification related to Defendants' Motion to Stay Discovery generated on April 21, 2023, *see* Minute Entry for Document No. 205, shall be filed with the Court on or before May 12, 2023. This Notice is limited solely to addressing Defendants' request for an expedited briefing schedule.

they feign as though they are in a hurry to do something—but only because its true purpose is to further slow the case.

Defendants' request to expedite is not actually about any emergency or real need for expedition. It is gamesmanship—an effort to avoid the deposition of Defendant Vital, which has been noticed since January 18, and which is scheduled to proceed on May 17, 2023. *See* Exhibit A (email message and deposition notice). Until now—the moment when their client is forced to prepare its corporate representative and be ready to testify to matters that are known by all to be both central to this case and deeply damaging to Defendants' interests, they have been in no hurry—in fact, the opposite. Suddenly, now, they have reversed course with a huge filing, including over 300 pages of useless, irrelevant, and distracting exhibits, a barrage of pleadings designed to inundate this court needlessly with motions.

During the three months since receiving Plaintiff's Rule 30b6 deposition notice for Defendant Vital, Defendants have filed three motions to quash in this matter and non-parties aligned (and in obvious communication) with Defendants have filed four additional motions to quash, needlessly inundating this Court with motions designed to delay the progress of this case. *See* Document Nos. 122, 154, 196; *see also* Document Nos. 133, 136, 150, 198. Defendants and their affiliates have produced no documents in discovery other than Plaintiff's stolen data. Defendants unmitigated—and often improper—

efforts to avoid routine discovery have created the very motion-practice quagmire that they now point to as the basis for their request to expedite. Stated simply, Defendants' urgency is false, a feint that ignores their actions in creating the circumstance that they now seek to escape. They should not be allowed to create a sudden and false sense of urgency where they did not feel any such urgency for three months after receiving the notice of the deposition that they now wish to avoid.

Defendants' request for expedited briefing does not genuinely seek to avoid time and expense. If it did, Defendants would not have filed an unnecessary tome with their motion while excluding the Rule 30b6 deposition notice that is so obviously their core concern. Instead, this request to expedite is just one more act in their ongoing campaign to interfere with the administration of justice in this case. It should be ignored, if not denied outright.

This, the 24th day of April, 2023.

WOMBLE BOND DICKINSON (US) LLP

/s/ Ripley Rand

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 24th day of April, 2023.

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